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MISCELLANY.**State Bar Examination and Successful Applicants.****Virginia Board of Law Examiners.****Richmond, Va., November 1, 1911.****QUESTIONS.**

1. (a) What is a plea in abatement?
(b) What pleas must be verified by affidavit?
(c) What are the essentials of a plea to the jurisdiction?
2. Under what circumstances is a plaintiff in an action of assumpsit entitled to have judgment entered in his favor without the need of introducing evidence in support of his claim?
3. Where a bill, declaration, or other pleading alleges that any person made, endorsed, assigned or accepted any writing, when is proof of such allegation made unnecessary?
4. What statutory substitute is provided in Virginia for a bill of discovery?
5. In a suit for divorce filed by a husband upon the ground of desertion, the evidence showed that the wife had not lived with her husband for more than three years and had repeatedly declared her intention never to return to him. It further showed that the separation had in the beginning been by mutual agreement, which had not been in any way abrogated. What should be the decree?
6. What decree, if any, may be validly entered by court having jurisdiction against a non-resident defendant in a divorce case, who has been summoned by order of publication duly executed for a ground of divorce *a vinculo* and as to whom the allegations of the bill are fully sustained by the evidence, as to (a) annulment of the marriage, (b) alimony, (c) and costs?
- 7-8. A, being unmarried, contracted to sell B a tract of land for \$5,000.00 and was paid \$2,500.00 of the purchase money in cash. He put the purchaser in possession and thereafter married. The balance of the purchase money being paid subsequent to his marriage, he executed a deed to the purchaser, his wife not uniting (no children were born of the marriage). The widow of the vendor claimed dower. What were her rights under the law applicable to the case?
- 9-10. Of what probative value is unexplained possession by accused of goods recently stolen, (a) in case of larceny? and (b) in case of burglary?
11. The record of conviction in a criminal case disclosed the fact that the accused had no counsel representing him at the trial. State whether or not this would be sufficient ground for reversal of the proceedings in the trial court, and to entitle the accused to new trial?
12. What is method of procedure to subject to payment of judgment, following property of debtor: (a) land; (b) money in bank;

(c) growing crop of wheat on land leased for term of years by debtor; (d) live stock; (e) shares of stock in a corporation?

13. An act of the Virginia Legislature provided that the trial of all contempts (those committed in presence of court as well as those without) should be by jury. Give reasons as to why you may consider act valid or invalid?

14-15. What in general is the power of the Virginia Legislature, where not restrained by the State or United States Constitution; and what in general is the power of the United States Congress, where the United States Constitution imposes no limitation of its power?

16. An instrument purporting to be a deed conveying real estate was signed by grantor with scroll seal opposite his signature, but there was no recognition of the seal in the body of the instrument. The certificate of acknowledgment stated that the grantor acknowledged the instrument as and for his act and deed. State whether or not the instrument was good as a conveyance of the land?

17. A contractor agreed to build a house for \$2,500.00. During progress of work, the owner went with contractor to select part of lumber, for which bill was \$200.00, and remarked to lumber dealer he would pay bill if contractor did not. The house was completed and the owner paid the contractor \$2,500.00 in full, but the lumber dealer was not paid and sued the owner. Could he recover?

18. A sub-contractor's bill for lumber furnished for the building of a house was due January 1, 1911. The house was completed July 1, 1911. A mechanic's lien for the claim was filed July 15, 1911. State whether this lien could be enforced, and if so, how?

19. A contractor, for full value, assigns to a creditor balance due him by a city for paving work. Before the assignment is presented for payment, another creditor holding judgment against the contractor has a writ of *fieri facias* issued upon the judgment and then a garnishment process sued out against the city. As between the first mentioned creditor and the one having the garnishment process issued, which would be entitled to fund in hands of city?

20. A father by his will devised his estate, including a farm, to his executors, to manage and pay over the income to his widow as long as she lived, but further provided that his eldest son should have right to purchase the farm upon arriving at the age of 21 years, at a stated price. More than a year before the son became 21, he notified executors that he would take farm when he arrived at age of 21, in accordance with the provision of the will. He became 21 years of age August 1, and at once tendered price mentioned in will. There was at this date a valuable corn crop growing on the land planted by lessee of executors who knew provisions of the will. The son claimed that he was entitled to the corn crop. What were his rights, if any, in respect thereto?

21-22. What motions should be made before the trial court after verdict of jury, where it is desired to apply for writ of error?

23. Where there is doubt as to proper construction of a clause in an insurance policy, in a suit thereon by the insured, in whose favor should the doubt be resolved?

24. What defense, if any, may be urged against a judgment obtained in another State where it is sought to establish and enforce it in this State?

25. What defenses may be made against a negotiable note in the hands of an innocent holder for value?

26. Upon whom would the law cast descent where A, who has never been married, dies intestate possessed of real estate, leaving surviving her the following relations: Her mother (M); two illegitimate brothers (C and D), sons of (M); a full sister (E), and two illegitimate children (R and S) of a deceased half-brother (T?)

27-28. (a) What is a demonstrative legacy?

(b) What is a gift *causa mortis*?

29. A testator, who at the date of his will had no children, by said will gave his entire estate to his wife, and the will also provided that he desired his wife to take the entire estate even though he should have children subsequently born to himself and wife. Four children were in fact born to the testator and wife subsequent to the date of the will. In whom did estate vest at death of testator, his wife and four children surviving?

30. Upon examination of title, if you should find that the land was conveyed in 1847 to husband and wife jointly, and you should further find that in 1853 a conveyance of the property by the wife was made, the deed reciting death of husband intestate, which recitals you ascertained to be true, how would you report on the latter conveyance?

31. State the effect at common law, and also at this date in Virginia, of a gift to A for life, with remainder to the heirs of his body.

32. Give definition of a contingent remainder and of an executory limitation, respectively, with an illustration of each.

33. A landlord who has leased a farm of 500 acres at a rental of \$1,000.00 per annum, payable at the end of the year, forcibly takes possession during lease of 50 acres of the tract, which in point of value to the tenant was equivalent to about one-tenth of the value to him of the entire tract. After all the rent has become payable the landlord has distress warrant levied upon the property of the tenant for the \$1,000.00, and the tenant employs you to represent him, what would you do in order to get before the court your client's position and what recovery of the rent should be allowed?

34. An unlicensed agent of a non-resident sewing machine company solicited orders in this State, carrying with him a sample machine. A number of machines being sold in this way, the agent returned and made delivery of the machines to customers, the ma-

chines delivered being shipped him from the factory as needed for delivery. He was arrested for violation of peddlers' license law. What defense, if any, could he successfully interpose?

35. A promissory note, not negotiable, was executed as purchase price of horse. Contemporaneously therewith, the seller of the horse gave to the maker of the note his written promise, under seal, that he would not sue in case of failure to pay note. Upon default in the payment of note, the payee (the seller) brought suit on note. The maker of the note offered the contemporaneous writing in question as a defense. What effect should be given to the writing?

36. A corporation issued its stock, having a par value of one hundred dollars per share for fifty dollars per share, and gave certificates of stock, stating that the stock had been fully paid and was non-assessable. The company became heavily involved and its creditors filed a bill against the company and its stockholders, asking that the court require sufficient assessment to be made against stockholders to cover their claims. What further collection, if any, could be made against stockholders in behalf of the creditors?

37. A stage driver, without compensation, agrees to deliver to railroad station a barrel packed with valuable chinaware. As a result of careless driving the contents of the barrel was so broken as to be of no value. What would be proper action to test the driver's liability, and would the facts stated warrant recovery?

38. An infant sells a horse with warranty of soundness, taking bond for purchase price, and after becoming of age sues on the bond. The defendant asks for set-off against bond for breach of warranty. Should any set-off be allowed, assuming there has been breach of warranty?

39. A bridge upon a county road is defective and known so to be by the road official whose duty it is to keep it in repair and as a result a valuable horse which is being driven over the bridge breaks its leg and has to be killed. The owner sues the county. Is the county liable and why?

40. An attorney employed in an important criminal case writes and has published in the newspapers articles relating to the case, for the purpose of influencing sentiment in the community in favor of his client. Did he, by so doing, violate any rule of law or of the profession?

Successful Applicants.

Following is a list of the successful applicants for license to practice law in Virginia:

Chapman, Semmes.....	Norfolk, Va.
Leigh, Henry C.....	Danville, Va.
Mann, Wm. Hodges, Jr.....	Richmond, Va
Martin, Alvah H., Jr.....	Norfolk, Va.

Old, John Whitehead, Jr.....	Petersburg, Va.
Oliver, L. LeRoy	University of Va.
Plummer, Leaven B.....	Portsmouth, Va.
Saul, John Peter, Jr.....	Pulaski, Va.
Sherertz, J. Samuel.....	Lexington, Va.
Sibert, Walter.....	Norfolk, Va.
Straley, Daniel Benjamin.....	Lexington, Va.

IN VACATION.

Had Tried Those Who Had.—Judge Ben B. Lindsey, the noted reformer, of Denver, was lunching one day—it was very warm—when a politician paused beside his table.

“Judge,” said the politician, “I see you’re drinking hot cawfee. That’s a heatin’ drink.”

“Yes,” said Judge Lindsey.

“Oh, yes. In this weather you want iced drinks, Judge—sharp, iced drinks. Did you every try iced gin and ginger ale?”

“No,” said the Judge, smiling, “but I’ve tried several fellows who have.”—New York Press.

BOOK REVIEWS.

All book reviews are by the editor in chief unless otherwise expressly stated.

Outline of the Jurisdiction and Procedure of the Federal Courts, by Joseph R. Long, Professor of Law in Washington and Lee University. Author of “Law of Irrigation,” “Law of Domestic Relations,” “Introduction to the Study of Law,” etc., etc. Second Edition, containing the Judicial Code of 1911. The Michie Company, Charlottesville, Va. 1911. Price \$2.50.

“Infinite riches in a little room” would be a fair description of this admirable book, which presents in a brief but comprehensive manner the subject of Federal Jurisdiction, giving the complete text of the new Federal Judicial Code which goes into effect January 1st, 1912. The great change which this Code makes renders this work simply invaluable to the busy lawyer who has little time to devote to the working up of the subject for himself.

It is to be much regretted that the learned author, in his brief description of the procedure of the Federal Courts, did not in his concise and excellent manner treat of the method of taking appeals from the new District Courts to the Circuit Courts of Appeals and from them to the United States Supreme Court. There is no subject of Federal Procedure as to which there is so much uncertainty and doubt, especially among lawyers unaccustomed to practice in the Federal Courts and among a good many who do. The importance to the law student of having this subject briefly yet clearly explained to him is apparent. We trust that in the next edition the author may give us the benefit of his learning and clarity of statement upon this important branch of Federal Procedure.